

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADAPTIX, INC.,
Plaintiff,

v.

ALCATEL-LUCENT USA, INC. and
AT&T MOBILITY LLC,
Defendants.

Civil Action 6:12-cv-0022
Jury Trial Demanded

ADAPTIX, INC.,
Plaintiff,

v.

ALCATEL-LUCENT USA, INC. and
CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS,
Defendants.

Civil Action 6:12-cv-0122
Jury Trial Demanded

ADAPTIX, INC.,
Plaintiff,

v.

ALCATEL-LUCENT USA, INC. and
SPRINT SPECTRUM L.P.,
Defendants.

Civil Action 6:12-cv-0123
Jury Trial Demanded

DEFENDANTS' NOTICE PURSUANT TO 35 U.S.C. § 282

Defendants Alcatel-Lucent USA, Inc., Cellco Partnership d/b/a Verizon Wireless, Sprint Spectrum L.P., and AT&T Mobility LLC (collectively, "Defendants") hereby provide written notice pursuant to 35 U.S.C. § 282 that they may rely at trial in this action on one or more of (i) the patents and publications listed below as anticipating, rendering obvious, showing the state of the art, or otherwise supporting the invalidity of the asserted claims of U.S. Patent Nos.

6,870,808, 6,904,283, and 7,146,172 (collectively, the “patents-in-suit”); and (ii) the persons listed below as prior inventors or persons having prior knowledge of, or having previously used or offered for sale, the alleged invention of the patents-in-suit.

Patents

Prior Art	Author(s)/Inventor(s)	Date
U.S. Patent No. 5,592,490	Barratt et al.	Filed January 20, 1995 Issued January 7, 1997
U.S. Patent No. 6,067,290	Paulraj et al.	Filed July 30, 1999 Issued May 23, 2000
U.S. Patent No. 5,726,978	Frodigh et al.	Filed June 22, 1995 Issued March 10, 1998
U.S. Patent No. 6,493,331	Walton et al.	Filed March 30, 2000 Issued December 10, 2002
U.S. Patent No. 5,933,421	Alamouti et al.	Filed February 6, 1997 Issued August 3, 1999
U.S. Patent US 6,359,923	Agee et al.	Filed December 18, 1997 Issued March 19, 2002
U.S. Patent No. 6,801,775	Gibbons et al.	Filed June 20, 2000 Issued October 5, 2004
U.S. Patent No. 6,721,569	Hashem et al.	Filed September 29, 2000 Issued April 13, 2004
U.S. Patent No. 6,018,528	Gitlin et al.	Filed April 28, 1994 Issued January 25, 2000
U.S. Patent No. 6,944,120	Wu et al.	Filed April 12, 2001 Issued September 13, 2005
U.S. Patent No. 6,473,418	Laroia et al.	Filed March 11, 1999 Issued October 29, 2002
DE 198 00 953	Ritter	Issued July 29, 1999
European Patent Application	ten Brink	Issued July 14, 1999

EP 0929 202 A1		
European Patent Application EP 0978 962 A1	Boehnke	Issued February 9, 2000
U.S. Patent No. 6,041,237	Farsakh	Filed April 2, 1998 Issued March 21, 2000
U.S. Patent No. 5,886,988	Yun et al.	Filed December 31, 1996 Issued March 23, 1999
U.S. Patent No. 6,473,467	Wallace et al.	Filed March 30, 2000 Issued October 29, 2002
U.S. Patent No. 5,828,658	Ottersten et al.	Filed October 23, 1996 Issued October 27, 1998
U.S. Patent No. 7,072,315	Liu et al.	Filed October 10, 2000 Issued July 4, 2006
U.S. Patent No. 6,009,553	Martinez et al.	Filed December 15, 1997 Issued December 28, 1999
U.S. Patent No. 5,914,933	Cimini et al.	Filed October 15, 1996 Issued June 22, 1999
EP 0 999 658 A2	Rashid-Farrokhi et al	Filed October 25, 1999 Pub. Date May 10, 2000

Publications

Prior Art	Author(s)/Inventor(s)	Date	Pages
Adaptive Interference Suppression in Multiuser Wireless OFDM Systems Using Antenna Arrays	Samir Kapoor, Daniel Marchok, Yih-fang Huang, IEEE	December 1999	3381-3391
A Simple Transmit Diversity Technique for Wireless Communications	S. Alamouti	Oct. 1998	1451-1458
Near - Far Effects in Adaptive SDMA	Tangemann	1995	1293-1297
Smart Antennas for Broadband Wireless Access Networks	Gesbert	Nov. 1999	1-17
"Base Station Transmitter Antenna Arrays with Mobile to Base Feedback	Derek Gerlach, Arogyswami Paulraj	1993	
A Combined OFDM/SDMA Approach	Vandenameele, Thoen,	1999	1712-

for WLAN	Engels, De Man		1716
4G – LTE/LTE-Advanced for Mobile Broadband: Third Edition	Dahlman et al.	2011	
ETSI/TC SMG (97) 1, ETSI Technical Committee SMG, Report of Meeting No. 21 held in Paris 10-14 February 1997		1997	1-79
The Scalable Wireless Access Network (SWAN) SCSS Background	Radix	March 16, 1998	
Design and Evaluation of an OFDM-based Proposal for Third Generation Mobile Communication	Mattias Wahlqvist	July 1998	1-116
ETSI OFDMA Concept Evaluation		Dec. 1997	1-689
Dynamic Scheduling in Antenna Array Packet Radio	Hujun Yin and Hui Liu, IEEE	1999	154-158
Performance Comparison of Different Multiple Access Schemes for the Downlink of an OFDM Communication System	Hermann Rohling and Rainer Grünheid	1997	1365-1369
Adaptive Frequency Hopping for Multiuser OFDM	Eric Lawrey and Cornelis Jan Kikkert, ICICS	December 7, 1999	1-5
Multiuser OFDM	Eric Lawrey	August 22, 1999	761-764
OFDM for Wireless Communication Systems	Richard Van Nee and Ramjee Prasad	1999	1-252
<i>Airlink 1.8 Interface Control Document (AICD)</i> , Rev. 0.5	Liang Hong et al. AT&T Wireless Services	December 22, 1999	1-185
<i>Framework for Advanced Radio Resource Management within the FWS Network</i> , Rev. 0.1	David Russo AT&T Wireless Services	November 20, 2000	1-34
<i>FWS RF Design Guidelines</i> , Doc. No. 10001, Rev. 1.0	AT&T Wireless Services	August 11, 1997	1-58
<i>Chapter 12: Test Setup Photos, FCC Type Acceptance Application</i> , 10992 Rev. 1.0	AT&T Wireless Services	March 4, 1999	1-6
AT&T Wireless Presentation entitled “AT&T Digital Broadband”	AT&T Wireless Services	February 17, 2000	1-70
Resource Allocation Architecture, Rev. 0.5	Padma Mallela et al. AT&T Wireless Services	February 23, 2000	1-122
PWAN Airlink Interface Control Document, Doc. No. 10044 Revision 0.5	Siavash Alamouti et al., AT&T Wireless Services	June 26, 1998	1-470
Chapter 4: External Photographs, FCC	AT&T Wireless	March 4,	1-4

Type Acceptance Application, 10992 Rev. 1.0	Services	1999	
<i>Dallas HSD User Characterization Project White Paper, Rev. 0.5</i>	AT&T Wireless Services	April 19, 1999	1-53
Indoor SDMA Capacity Using a Smart Antenna Base Station	Shad et al.	1997	1-5
On the Mobile Radio Capacity Increase Through SDMA, Accessing, Transmission	Christof Farsakh and Josef A. Nossek	1998	293-297
Throughput Multiplication of Wireless LANs for Multimedia Services: SDMA Protocol Design	Xu et al.	November 1994	1326-1332
High Throughput Slotted ALOHA Packet Radio Networks with Adaptive Arrays	Ward et al.	March 1993	460-470
Experimental Studies of Spatial Signature Variation at 900 MHz for Smart Antenna Systems	Xu et al.	July 1998	953-962
Digital Communications, Second Ed.	John D. Proakis	1989	
Multiple Emitter Location and Signal Parameter Estimation	Ralph Schmidt	March 1986	276-280
ESPRIT – Estimation of Signal Parameters Via Rotational Invariance Techniques	Richard Roy and Thomas Kailath	July 1989	984-995
Experimental Studies of Space-Division-Multiple-Access Schemes for Spectral Efficient Wireless Communications	Xu et al.	1994	800-804
Comparison of Upgrade Techniques for Mobile Communications Systems	Tangemann and Rheinschmitt	1994	201-205
ETSI SMG2 TD 8/96, A Multi-Carrier Air Interface Based on OFDM, March 1, 1996, Bristol	Telia Research	March 1996	
ETSI SMG2 TD /96	Sony Deutschland GmbH		
The History of Orthogonal Frequency Division Multiplexing, IEEE,	Stephen Weinstein	Nov. 2009	
Broadband MIMO-OFDM Wireless Communications, IEEE	Stuber et al.	2004	
AT&T Digital Broadband Customer Guide, Doc. No. 11354 Rev. 3.0	AT&T Wireless Services	2000	
FWS Market Trial	AT&T Wireless Services		
Bigtex.com (Official Website fo the State Fair of Texas) https://web.archive.org/web		Archived on March 9, 2000	

/20000309174613/http://www.bigtex.com/info/event/futurevisions.htm			
AT&T Debuts Fixed Wireless Phones at State Fair, The Dallas Morning News	Jennifer Files	September 28, 1999	

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Defendants further incorporate by reference in their entirety: (i) expert reports submitted by Anthony Acampora, Ph.D., Jeffrey Andrews, Ph.D., and Michael Wagner on behalf of Defendants in this case on July 28, 2014, and September 9, 2014 (the “Expert Reports”), and all

¹ Defendants incorporate by reference their witness lists and disclosures in their entirety. While Defendants have identified the individuals they may most directly rely upon regarding the asserted patents’ invalidity, the testimony of other fact and expert witnesses may be relevant to issues such as the state of the art, secondary indicia of obviousness/non-obviousness, and motivation to combine.

exhibits thereto; (ii) documents cited in the Expert Reports; (iii) invalidity contentions for each of the patents-in-suit submitted in the present action; (iv) all prior art references cited or disclosed in the prosecution of the patents-in-suit and/or listed on the face of each of the patents-in-suit; (v) any disclosures submitted under 35 U.S.C. § 282 by Defendants in Civil Action No. 6:12-cv-00369; and (vi) Defendants' identification of trial witnesses.

Defendants reserve the right to amend, modify or supplement this disclosure.

DATED: June 19, 2015

Respectfully submitted,

By: /s/ Stephen A. Swedlow

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I hereby certify that on June 19, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to CM/ECF participants in this case.

/s/ Stephen A. Swedlow

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